

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**CONSUMER FINANCIAL  
PROTECTION BUREAU,**

Petitioner,

v.

**THE SOURCE FOR PUBLIC  
DATA, LP,**

Respondent.

Case No.

**CONSUMER FINANCIAL PROTECTION BUREAU'S  
PETITION TO ENFORCE CIVIL INVESTIGATIVE DEMAND**

1. On January 5, 2017, the Consumer Financial Protection Bureau (Bureau) issued a civil investigative demand (CID) to The Source for Public Data, L.P. (Public Data). The CID was issued as part of a nonpublic investigation to determine whether consumer reporting agencies, persons using consumer reports, or other persons have engaged or are engaging in unlawful acts and practices in connection with the provision or use of public records information in violation of the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq., Regulation V, 12 C.F.R. Part 1022, or any other federal consumer financial law. The CID required Public Data to produce documents and provide answers to interrogatories and a written report by February 16, 2017.

2. On January 25, 2017, pursuant to the Bureau's rules, Public Data filed a petition to set aside or modify its CID. The Bureau denied the petition on February 14, 2017, and the Bureau served the order on Public Data on February 16, 2017. That order directed Public Data to comply with the CID within 10 calendar days. The order also invited Public Data to engage in further discussions with Bureau staff about modifying the CID.

3. Public Data has not complied with the CID. Accordingly, the Bureau petitions this Court for an order requiring Public Data to comply with its CID.

4. In support of this petition, the Bureau has filed a memorandum of law with exhibits, including the Declaration of Erin Mary Kelly. In further support, the Bureau alleges:

**Jurisdiction and Venue**

5. This Court has subject-matter jurisdiction under § 1052(e)(1) of the CFPA. 12 U.S.C. § 5562(e)(1).

6. Venue is proper because Public Data resides and transacts business in this district. 12 U.S.C. § 5562(e)(1).

**The Parties**

7. The Bureau is an administrative agency of the United States. 12 U.S.C. § 5491(a).

8. Public Data is located in and transacts business in this district and received the CID issued January 5, 2017, related to an investigation by the Bureau.

**Service of the CID and Public Data's Failure to Comply**

9. To determine whether “Federal consumer financial law” has been violated, § 1052(c) of the CFPA empowers the Bureau to issue a CID whenever it has reason to believe that “any person . . . may have any information[] relevant to a violation.” 12 U.S.C. § 5562(c)(1). A CID issued by the Bureau may, among other things, require the recipient to produce documents, respond to interrogatories, provide written reports, and designate a witness to provide oral testimony. *Id.*

10. On January 5, 2017, the Bureau served the CID on Public Data’s counsel by sending it via certified US Mail, return receipt requested, to Public Data’s registered agent. The Bureau also sent a courtesy copy via email and spoke via telephone with Public Data’s registered agent, John Collins, Esq. of Burleson, Pate & Gibson, on January 6, 2017. The CID required Public Data to produce documents and a written report and respond to interrogatories by February 16, 2017.

11. As required by § 1052(c)(2) of the CFPA, the CID contained a Notification of Purpose apprising Public Data of the nature of the conduct under investigation and applicable provisions of law.

12. Counsel for the Bureau and Public Data met and conferred about the CID via teleconference on January 17, 2017, in accordance with 12 C.F.R. § 1080.6(c). At this meeting, Public Data’s counsel informed the Bureau that it would not comply with the CID and stated that the company would be filing a petition to modify or set aside the CID (Petition).

13. On January 25, 2017, Public Data filed its Petition to the Bureau.

14. On February 14, 2017, the Bureau’s Director denied the Petition and issued an order directing Public Data to produce “all responsive documents, items, and information within its possession, custody, or control that are covered by the CID” within 10 calendar days. The order also invited Public Data to contact the Bureau’s the Enforcement team to discuss the CID.

15. Public Data has not produced documents or provided responses to the interrogatories or written reports. Public Data did not contact the Bureau.

16. On March 6, 2017, Bureau counsel conferred with counsel for Public Data, Keith Barnett of Troutman Sanders, LLP. Counsel stated that Public Data did not intend to comply with the Bureau’s CID.

17. Public Data has therefore failed to comply with the CID duly served upon it. The Bureau requests the relief set forth below.

WHEREFORE, the Bureau requests:

1. An order directing Public Data to show cause why it should not be required to comply with the CID;
2. After Public Data’s response to the order to show cause, an order directing Public Data to comply with the CID within ten days of the order or at a later date as may be established by the Court or the Bureau; and

3. Such other relief as this Court deems just and proper.

Dated: March 6, 2017

Respectfully submitted,

ANTHONY ALEXIS  
Enforcement Director

CARA PETERSEN  
Deputy Enforcement Director  
For Litigation

Gabriel O'Malley  
Assistant Litigation Deputy  
For Litigation

/s/ Erin Mary Kelly  
ERIN MARY KELLY, DC Bar 479413  
(*pro hac vice pending*)  
(Email: erin.kelly@cfpb.gov)  
(Phone: 202-435-7367)

1700 G Street, NW  
Washington, DC 20552  
Fax: (202) 435-7722

STEPHEN P. FAHEY  
Assistant United States Attorney  
TX Bar 24101249 – Local Counsel  
(Phone: 214-659-8600)  
(Email: Steve.P.Fahey@usdoj.gov)  
United States Attorney's Office  
Northern District of Texas - Civil Division  
1100 Commerce Street, Third Floor  
Dallas, Texas 75242-1699  
Fax: 214-659-8807

Attorneys for Plaintiff  
Consumer Financial Protection Bureau

**PROOF OF SERVICE**

I hereby certify that on March 6, 2017, I caused a true and correct copy of the document entitled Petition to Enforce Civil Investigative Demand to be served by U.S. mail and e-mail on counsel for Respondent The Source for Public Data, LP as follows:

Keith Barnett  
TROUTMAN SANDERS  
600 Peachtree Street, NE, Suite 5200  
Atlanta, GA 30308  
keith.barnett@troutmansanders.com

*/s/ Erin Mary Kelly*  
Erin Mary Kelly (DC Bar No. 479413)